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Attorneys for United States Fidelity and Guaranty Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

UNITED STATES OF AMERICA for the use of NORTH STAR
TERMINAL & STEVEDORE COMPANY, d/b/a NORTHERN
STEVEDORING & HANDLING, and NORTH STAR TERMINAL
& STEVEDORE COMPANY, d/b/a NORTHERN
STEVEDORING & HANDLING, on its own behalf,

Plaintiffs,

and

UNITED STATES OF AMERICA for the use of SHORESIDE
PETROLEUM, INC., d/b/a MARATHON FUEL SERVICE, and
SHORESIDE PETROLEUM, INC., d/b/a MARATHON FUEL
SERVICE, on its own behalf,

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER ROCK
PRODUCTS, INC.; UNITED STATES FIDELITY AND
GUARANTY COMPANY; and ROBERT A. LAPORE,

Defendants.

No. 3:98-cv-9 (TMB)

**REPLY TO NORTH STAR'S OPPOSITION TO MOTION TO STRIKE NORTH STAR'S
JOINDER IN SHORESIDE AND METCO'S MOTION FOR SUMMARY JUDGMENT
AND DETERMINATION OF LAW REGARDING USF&G**

The deadline for filing Dispositive Motions was May 1, 2006. North Star's "Joinder" was filed subsequent to that date, and should be stricken, in the event the Court Order is to have any teeth whatsoever. A "Joinder" is not a separate and distinct summary judgment pleading, containing argument. Rather, it simply should join in with the argument advanced by its proponent. That is not what North Star did. North Star forwarded new, separate and distinct arguments, which could and should have been forwarded in its own Summary Judgment Motion, in the event it wished to file same. North Star did not file same and, therefore, its inappropriate and untimely "Joinder" should be stricken or, alternatively, the Court should issue an Order that its Orders regarding timely filing need not be followed. The undersigned counsel follows Court Orders and expects opposing and other counsel involved in the litigation to likewise follow the Court's Orders.

Dated this 1st day of June, 2006.

/s Herbert A. Viergutz

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CERTIFICATE OF SERVICE

THEREBY CERTIFY that a copy of this document was served by electronic notification on this 1st day of June, 2006, to:

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